IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 21699 of 2005(G)

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CMA.62/2005 of D.C. & SESSIONS COURT, ERNAKULAM

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PETITIONERS:

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1. **PRASANNA P. NAIR, W/O.PRABHAKARAN NAIR, KOONTHANALI HOUSE, "MINI NILAYAM", N.A.D POST, ALWAYE, ERNAKULAM DISTRICT.**

2. **MINI RADHAKRISHNAN, W/O.RADHAKRISHNAN, KOONTHANALI HOUSE, "MINI NILAYAM", N.A.D. POST, ALWAYE, ERNAKULAM DISTRICT.**

3. **PREETHA @ MIDHA MOHANAN, W/O.MOHANAN, KOONTHANALI HOUSE, "MINI NILAYAM". N.A.D. POST, ALWAYE, ERNAKULAM DISTRICT.**

4. **NISHANTH PRABHAKARAN, S/O.PRABHAKARAN, KOONTHANALI HOUSE, "MINI NILAYAM", N.A.D. POST, ALWAYE, ERNAKULAM DISTRICT.**

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:

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1. **P.B.KASIM, S/O.P.M.BEERANKUTTY, PARIYARATH HOUSE, THAIKKATTUKARA POST, ALWAYE WEST VILLAGE, ALUVA TALUK, ERNAKULAM DISTRICT.**

2. **RADHAKRISHNAN, "MINI NILAYAM", KOONTHANALI HOUSE, NAD POST, ALWAYE, ERNAKULAM DISTRICT.**

3. **MOHANAN, "MINI NILAYAM", KOONTHALAI HOUSE, N.A.D POST, ALWAYE, ERNAKULAM DISTRICT.**

BY ADV. SRI.S.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.21699/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT. 11.5.05 IN IA. 1214/05 IN OS /05 ON THE FILE OF THE DISTRICT COURT ERNAKULAM (VACATION COURT)

EXT.P2:- COPY OF THE JUDGMENT DT. 15.6.05 IN CMA. NO.62/05 ON THE FILE OF THE DISTRICT JUDGE, ERNAKULAM.

/TRUE COPY/

tss

PIUS C. KURIAKOSE, J.

W.P.(C) No. 21699 OF 2005

Dated this the 6th day of July, 2007

JUDGMENT

Even though the question raised by Mr.K.Ramkumar in this Writ Petition is of academic importance, I do not think that it is necessary to decide that question in this Writ Petition. After all, the jurisdiction involved is the supervisory jurisdiction under Article 227. I am not prepared to interfere with Ext.P2 an order which can not be stated to be vitiated to the extent of justifying interference under Article 227. The challenge against Ext.P2 will fail. The learned Munsiff who has not been taking up the interlocutory petitions in view of the stay granted by this Court, is directed to dispose of all the interlocutory proceedings in the suit and also the suit itself with utmost expedition.

PIUS C. KURIAKOSE, JUDGE

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